

Docket No. 7543

Order entered: 9/21/2009

On August 24, 2009, the Vermont Department of Public Service ("Department") filed a letter with the Board stating that it has no objection to issuance of a CPG for the Project without further investigation or hearing. On September 1, 2009, the Department filed a determination pursuant to 30 V.S.A. § 202(f) that the Project is consistent with the State's Twenty-Year Electric Plan.

No other comments have been filed with the Board.

The Board has determined that the proposed construction will be of limited size and scope and that the petition has effectively addressed the issues raised with respect to the substantive criteria of 30 V.S.A. § 248. Consequently, we find that the procedures authorized by Section 248(j) are sufficient to satisfy the public interest, and no hearings are required.

II. FINDINGS

1. CVPS is a duly organized public service corporation with a principal place of business at 77 Grove Street, Rutland, Vermont. Petition at 1.

2. The Project will involve the replacement of existing 4/0 Aluminum Conductor Steel Reinforced ("ACSR") conductors with 477 ACSR conductors between the North Rutland substation and the East Rutland Tap in Rutland. Johnson pf. at 2-3; exh. RCJ-1.

3. The 2.3-mile North Rutland to East Rutland Tap line segment, which utilizes standard "T" construction, was constructed in 1939 and is part of a 16-mile 46 kV transmission loop around Rutland City. Johnson pf. at 2; exhs. RCH-1 and 2.

4. The Project is designed to minimize line losses on the transmission system and allow for higher thermal capability during system contingencies. The new conductors will also have greater breaking strength and increased reliability. Jones pf. at 3; Johnson pf. at 3.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

5. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by findings 6 through 8, below.

6. The work associated with the Project will take place entirely within an existing transmission line corridor and will consist of placing new conductors on an existing transmission line. Land uses in the two affected municipalities will remain unchanged. Upton pf. at 2.

7. Transmission line construction and maintenance are not addressed in the Rutland Town Plan and the Rutland City Master Plan. The Rutland Regional Plan also does not address the construction and maintenance of transmission lines. Upton pf. at 3.

8. The Rutland City Council, the Rutland Selectboard, the Rutland Town and Rutland City Planning Commissions, and the Rutland Regional Planning Commission have been provided a description of the Project along with location maps. None have recommended changes to the Project design. *Id.*

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

9. The Project is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load management measures. This finding is supported by findings 10 and 11, below.

10. The Project, as designed, is the most cost-effective means of addressing present and future demand for service. Jones pf. at 4.

11. The Project will save 215,957 kWh annually or approximately \$207,351 in line losses over twenty years. *Id.* at 3.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

12. The proposed project will improve system stability and reliability. Jones pf. at 4.

13. The larger conductors will eliminate existing exposure to thermal overloading of the line and provide greater capacity and breaking strength. Jones pf. at 3; Johnson pf. at 3.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

14. The Project offers economic benefits to the state and its residents through improved reliability and reduced line losses. Jones pf. at 6.

**Aesthetics, Historic Sites, Air and Water Purity,
the Natural Environment and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

15. The Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 16 through 38 below, which are the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(a) and (9)(k).

Outstanding Resource Waters

[10 V.S.A. § 1424(a)(d)]

16. The Project is not located on or near any outstanding resource waters. Upton pf. at 10.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

17. The Project will not result in undue water or air pollution. This finding is supported by findings 18 through 26, below.

18. Project construction will take place only during daylight hours. The Project does not involve any road construction or clearing. Upton pf. at 4.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

19. The Project is located in a headwaters region. However, all construction will take place within an existing cleared right-of-way and will not involve road construction or access upgrades. Upton pf. at 4; exh. TOU-1.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

20. The Project does not involve disposal of wastes or injection of any material into surface or ground water. Upton pf. at 4-5.

21. The Project will meet all applicable health and Environmental Conservation Department regulations regarding waste disposal. Any wastes produced during construction associated with the Project will be disposed of in accordance with the Vermont Solid Waste Management Rule. *Id.*

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

22. The Project does not involve the use of water. Upton pf. at 5.

Floodways, Streams, and Shorelines

[10 V.S.A. §§ 6086(a)(1)(D)(E) &(F)]

23. The Project is not located within a floodway or on a shoreline. Upton pf. at 5-6; exh. TOU-1.

24. The transmission line involved in the Project crosses several streams. The Project involves the replacement of conductors within an existing cleared right-of-way. Stream crossings will be avoided to the greatest extent possible. Temporary bridges will be used when necessary to protect streambank integrity. *Id.*

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

25. There is one significant (Class 2) wetland within the existing transmission line right-of-way, along with several smaller Class 3 wetlands. Wetland impacts will be minimized through careful consideration of access points to avoid wetland crossings. Construction will take place during dry conditions where feasible, and temporary construction matting will be used where necessary to protect soils and vegetation. Any required post-construction seeding will be done using native wetland seed mixes approved by the Agency of Natural Resources. Upton pf. at 6.

26. The Vermont Wetlands Office has determined that the proposed construction methods will appropriately avoid and minimize impacts to all wetlands in the Project area. Upton at 6; exh. TOU-2.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(2)&(3)]

27. The Project does not require the use of water. Upton pf. at 9.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

28. Construction of the Project will occur within an existing cleared right-of-way and will not have a significant impact on soil erosion. Upton pf. at 7.

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

29. The Project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. There will be no change to existing road crossings. Any necessary traffic control will be done with authorization from the Vermont Agency of Transportation. Upton pf. at 7.

Educational Services

[10 V.S.A. § 6086(a)(6)]

30. The Project will have no impact on educational services. Upton pf. at 7.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

31. The Project will not require any additional municipal or governmental services. Upton pf. at 7.

**Aesthetics, Historic Sites
and Rare and Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

32. The Project would not have an undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 33 through 36, below.

33. The Project involves the reconductoring of approximately 2.3 miles of 46 kV line. Jones pf. at 2.

34. The Project consists of the replacement of components on existing pole structures and the in-place replacement of two poles. Upton pf. at 8.

35. The Vermont Division for Historic Preservation has performed a field review and approved the Project as proposed. Upton pf. at 9; exh. TOU-3.

36. There are no known rare or irreplaceable natural areas in the Project area. Upton pf. at 9.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

37. The Project will not destroy or significantly imperil necessary wildlife habitat or any endangered species. There is no necessary wildlife habitat or evidence of any endangered species within the Project area. Upton pf. at 9.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

38. The Project will not unnecessarily or unreasonably endanger the public or quasi-public investment in government or public facilities. Upton pf. at 10.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

39. The Project is consistent with the principles for resource selection in accordance with CVPS's approved least-cost integrated plan. CVPS's 2007 Integrated Resource Plan identified the Project in its updated transmission line reconductoring study. Jones pf. at 4.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

40. The Project is consistent with the Vermont Twenty-Year Electric Plan adopted by the Department pursuant to 30 V.S.A. § 202. Jones pf. at 5.

41. The Department filed a determination, in a letter filed September 1, 2009, that the proposed project is consistent with the Vermont Twenty-Year Electric Plan, in accordance with 30 V.S.A. § 202(f). *See* Department letter filed September 1, 2009.

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

42. The Project is not located near any outstanding resource waters. Upton pf. at 10.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

43. The Project can be economically served by existing transmission facilities without any adverse impacts on Vermont utilities or customers. Johnson pf. at 3-4.

44. The Project involves improvements to a transmission line originally constructed in 1939 and is an integral part of the CVPS transmission system serving the Rutland area. *Id.*

III. CONCLUSION

Based upon all of the above evidence, we conclude that the proposed construction of the proposed reconductoring of 2.3 miles of 46 kV transmission line in Rutland, Vermont, will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the proposed project, in accordance with the evidence and plans presented in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. Section 248, and a certificate of public good shall be issued in the matter, subject to the following condition:

1. The Project shall be constructed in accordance with the evidence and plans submitted in this proceeding. Any material deviation from these plans or specifications must be approved by the Board.

Dated at Montpelier, Vermont this 21st day of September, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: September 21, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.